

PUBLISHED IN THE WICHITA EAGLE ON JUNE 26, 2015

ORDINANCE NO. 50-027

AN ORDINANCE PROVIDING FOR THE ACQUISITION BY EMINENT DOMAIN OF CERTAIN PRIVATE PROPERTY, EASEMENTS AND RIGHT-OF-WAY THEREIN, FOR THE PURPOSE OF ACQUIRING REAL PROPERTY FOR THE IMPROVEMENT OF MERIDIAN AVENUE FROM MCCORMICK AVENUE TO PAWNEE AVENUE IN THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS; DESIGNATING THE LANDS REQUIRED FOR SUCH PURPOSES AND DIRECTING THE CITY ATTORNEY TO FILE A PETITION IN THE DISTRICT COURT OF SEDGWICK COUNTY, KANSAS, FOR ACQUISITION OF THE LANDS AND EASEMENTS THEREIN TAKEN.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. That it be and is hereby declared to be a public necessity to acquire by eminent domain proceedings for the purpose of public right-of-way for the development of infrastructure associated with the improvement of Meridian Avenue from McCormick Avenue to Pawnee Avenue in the City of Wichita, Sedgwick County, Kansas, the lands and easements hereinafter described in Section 2.

SECTION 2. That the description of the lands and title therein necessary for the purpose of such action is as follows:

Temporary construction easements for driveway, drainage and road construction in and to the following-described tracts, to-wit:

The east 25.00 feet of the south 15.00 feet of the north 149.50 feet of Lot 10, Block 1, Southwest Industrial Addition to Wichita, Kansas, Sedgwick County, Kansas, TOGETHER with the east 10.00 feet of the north 35.00 feet of the south 50.50 feet of Lot 11, of said Block 1. (Said Tract containing 725.00 square feet, more or less) and

That part of Lot 9, Replat of Lot 19, Block 1, Pawnee Park an Addition to Wichita, Kansas, Sedgwick County, Kansas, described as beginning at the northwest corner of said Lot 9; thence east along the north line of said Lot 9, 10.00 feet; thence south parallel with the east line of said Lot 9, 30.00 feet; thence west parallel with the north line of said Lot 9, 10.00 feet to a point on the west line of said Lot 9; thence north along the west line of said Lot 9, 30.00 feet to the point of beginning. (Said Tract containing 300.0 square feet, more or less) and

The east 8.00 feet of the north 22.50 feet of Lot 1, Meridian Industrial Park Addition to Wichita, Kansas, Sedgwick County, Kansas. (Said Tract containing 180.0 square feet, more or less) and

That part of Lots 73 and 75 on Meridian Avenue, Garfield Park Addition to Wichita, Kansas, Sedgwick County, Kansas described as beginning at the intersection of the north line of said Lot 73 with the west right-of-way line of Meridian Ave. as established in Condemnation Case A-53868, said intersection being 10.00 feet west of the northeast corner of said Lot 73; thence south along the west right-of-way line of said Meridian Ave., (Condemnation Case A-53868), and 10.00 feet normally distant west of and parallel with the east line of said Lots 73 and 75, 50.00 feet to the intersection with the south line of said Lot 75; thence west along the south line of said Lot 75, 12.00 feet; thence north parallel with and 12.00 feet normally distant west of the west right-of-way line of said Meridian Ave., (Condemnation Case A-53868), 50.00 feet to the intersection with the north line of said Lot 73; thence east along the north line of said Lot 73, 12.00 feet to the point of beginning. (Said Tract containing 400.0 square feet, more or less) and

That part of Lots 21 and 23, Block H, South University Place Addition to Wichita, Kansas, Sedgwick County, Kansas described as commencing at the intersection of the north line of said Lot 21 with the east right-of-way line of Meridian Ave. as established in Condemnation Case A-53868, said intersection being 10.00 feet east of the northwest corner of said Lot 21; thence south along east right-of-way line of said Meridian Ave., (Condemnation Case A-53868), 13.00 feet to the point of beginning; thence east parallel with and 13.00 feet south of the north line of said Lot 21, 8.00 feet; thence south parallel with and 8.00 feet normally distant east of the east right-of-way line of said Meridian Ave., (Condemnation Case A-53868), 17.50 feet; thence west parallel to the south line of said Lot 23, 8.00 feet; thence north along the east right-of-way line of said Meridian Ave., (Condemnation Case A-53868), and 10.00 feet normally distant east of and parallel with the west line of said Lots 21 and 23, 17.50 feet to the to the point of beginning.

#### TOGETHER WITH

That part of Lots 25 and 27, Block H, South University Place Addition to Wichita, Kansas, Sedgwick County, Kansas described as commencing at the intersection of the south line of said Lot 27 with the east right-of-way line of Meridian Ave. as established in Condemnation Case A-53868, said intersection being 10.00 feet east of the southwest corner of said Lot 27; thence north along east right-of-way line of said Meridian Ave., (Condemnation Case A-53868), 11.00 feet to the point of beginning; thence continuing north along the east right-of-way line of said Meridian Ave., (Condemnation Case A-53868), and 10.00 feet normally distant east of and parallel with the west line of said Lots 25 and 27, 20.00 feet; thence east parallel with and 6.00 feet normally distant north from the north line of said Lot 27, 8.00 feet; thence south parallel with and 8.00 feet normally distant east of the east right-of-way line of said Meridian Ave., (Condemnation Case A-53868), 20.00 feet; thence west parallel to the south line of said Lot 27, 8.00 feet to the point of beginning. (Said Tract containing 360.0 square feet, more or less) and

That part of Lot 1, Mick Nett Addition to Wichita, Kansas, Sedgwick County, Kansas described as commencing at the SE corner of said Lot 1; thence north along the east line of said Lot 1, 48.00 feet to the Point of Beginning; thence continuing north along the east line of said Lot 1, 55.00 feet; thence west perpendicular to the east line of said Lot 1, 12.00 feet; thence south parallel with the east line of said Lot 1 55.00 feet; thence east perpendicular to the east line of said Lot 1, 12.00 feet to the point of beginning. (Said Tract containing 660.0 square feet, more or less) and

That part of Lot 47, Block A, South University Place Addition to Wichita, Kansas, Sedgwick County, Kansas described as beginning at the intersection of the south line of said Lot 47 with the east right-of-way line of Meridian Ave. as established in Condemnation Case A-53868, said intersection being 10.00 feet east of the southwest corner of said Lot 47; thence east along the south line of said Lot 47, 60.28 feet; thence north parallel with the east right-of-way line of said Meridian Ave., (Condemnation Case A-53868), 10.00 feet; thence west parallel to the south line of said Lot 47, 60.28 feet; thence south parallel with the east right-of-way line of said Meridian Ave., (Condemnation Case A-53868), 10.00 feet to the point of beginning. (Said Tract containing 602.8 square feet, more or less) and

That part of Lot 47, Block A, South University Place Addition to Wichita, Kansas, Sedgwick County, Kansas described as commencing at the intersection of the south line of said Lot 47 with the east right-of-way line of Meridian Ave. as established in Condemnation Case A-53868, said intersection being 10.00 feet east of the southwest corner of said Lot 47; thence east along the south line of said Lot 47, 20.29 feet for a point of beginning; thence continuing east along the south line of said Lot 47, 40.00 feet; thence north parallel with the east right-of-way line of said Meridian Ave., (Condemnation Case A-53868), 10.00 feet; thence west parallel to the south line of said Lot 47, 40.00 feet; thence south parallel with the east right-of-way line of said Meridian Ave., (Condemnation Case A-53868), 10.00 feet to the point of beginning. (Said Tract containing 400.0 square feet, more or less) and

The east 8.00 feet of Lot 1, Nett Sager Addition Wichita, Kansas, Sedgwick County, Kansas. (Said Tract containing 1,200.0 square feet, more or less) and

That part of Lots 21, 23, 25, 27, 29 and 31, Block A, South University Place Addition to Wichita, Kansas, Sedgwick County, Kansas described as beginning at the intersection of the south line of said Lot 31 with the east right-of-way line of Meridian Ave. as established in Condemnation Case A-53868, said intersection being 10.00 feet east of the southwest corner of said Lot 31; thence north along the east right-of-way line of said Meridian Ave., (Condemnation Case A-53868), and 10.00 feet normally distant east of and parallel with the west line of said Lot 31, 150.00 feet to the intersection with the north line of said Lot 21; thence east along the north line of said Lot 21, 10.00 feet; thence south parallel with the east right-of-way line of said Meridian Ave., (Condemnation Case A-53868), 150.00 feet to a point on the south line of said Lot 31; thence west along the south line of said Lot 31, 10.00 feet to the point of beginning. (Said Tract containing 1,500.0 square feet, more or less) and

That part of Lots 1, 3, 5, 7, 9 and 11, Block A, South University Place Addition to Wichita, Kansas, Sedgwick County, Kansas described as beginning at the intersection of the south line of said Lot 11 with the east right-of-way line of Meridian Ave. as

established in Condemnation Case A-53868, said intersection being 10.00 feet east of the southwest corner of said Lot 11; thence north along the east right-of-way line of said Meridian Ave., (Condemnation Case A-53868), and 10.00 feet normally distant east of and parallel with the west line of said Lots 1, 3, 5, 7, 9 and 11, 130.00 feet; thence northeasterly, 28.31 feet to a point on the north line of said Lot 1, said point being 20.00 feet normally distant east right-of-way line of said Meridian Ave., (Condemnation Case A-53868); thence east along the north line of said Lot 1, 44.57 feet; thence south 64.57 feet normally distant east of and parallel with the east right-of-way line of said Meridian Ave., (Condemnation Case A-53868, 5.00 feet; thence west parallel with the north line of said Lot 1, 42.50 feet; thence southwesterly, 24.17 feet to a point 5.00 feet normally distant east of the east right-of-way line of said Meridian Ave., (Condemnation Case A-53868; thence south parallel with the east right-of-way line of said Meridian Ave., (Condemnation Case A-53868), 127.85 feet to a point on the south line of said Lot 11; thence west along the south line of said Lot 11, 5.00 feet to the point of beginning. (Said Tract containing 993.7 square feet, more or less) and

That part of Lots 249 and 251, Richmond's 2nd Addition to Wichita, Kansas, Sedgwick County, Kansas described as beginning at the intersection of the north line of said Lot 249 with the west right-of-way line of Meridian Ave. as established in Condemnation Case A-53077, said intersection being 10.00 feet west of the northeast corner of said Lot 249; thence south along the west right-of-way line of said Meridian Ave., (Condemnation Case A-53077), and 10.00 feet normally distant west of and parallel with the east line of said Lots 249 and 251, 50.00 feet to the intersection with the south line of said Lot 251; thence west along the south line of said Lot 251, 8.00 feet; thence north parallel with the west right-of-way line of said Meridian Ave., (Condemnation Case A-53077), 50.00 feet to a point on the north line of said Lot 249; thence east along the north line of said Lot 249, 8.00 feet to the point of beginning. (Said Tract containing 400.0 square feet, more or less) and

That part of Lots 37 & 39 on Meridian Avenue, Stiles & Smith's Addition to Wichita, Kansas, Sedgwick County, Kansas described as beginning at the intersection of the south line of said Lot 39 with the east right-of-way line of Meridian Ave. as established in Condemnation Case A-53077, said intersection being 10.00 feet east of the southwest corner of said Lot 39; thence north along the east right-of-way line of said Meridian Ave., (Condemnation Case A-53077), and 10.00 feet normally distant east of and parallel with the west line of said Lots 37 and 39, 50.00 feet to the intersection with the north line of said Lot 37; thence east along the north line of said Lot 37, 12.50 feet; thence south parallel with the east right-of-way line of said Meridian Ave., (Condemnation Case A-53077), 25.00 feet to a point on the south line of said Lot 37; thence west along the south line of said Lot 37, 7.50 feet; thence south parallel with the east right-of-way line of said Meridian Ave., (Condemnation Case A-53077), 25.00 feet to a point on the south line of said Lot 39; thence west along the south line of said Lot 39, 5.00 feet to the point of beginning. (Said Tract containing 437.5 square feet, more or less) and

That part of Lots 21 and 23 on Meridian Avenue, Stiles & Smith's Addition to Wichita, Kansas, Sedgwick County, Kansas described as beginning at the intersection of the south line of said Lot 23 with the east right-of-way line of Meridian Ave. as established in Condemnation Case A-530778, said intersection being 10.00 feet east of the southwest corner of said Lot 23; thence north along the east right-of-way line of said Meridian Ave., (Condemnation Case A-53077), and 10.00 feet normally distant east of

and parallel with the west line of said Lots 21 and 23, 50.00 feet to the intersection with the north line of said Lot 21; thence east along the north line of said Lot 21, 8.00 feet; thence south parallel with the east right-of-way line of said Meridian Ave., (Condemnation Case A-53077), 50.00 feet to a point on the south line of said Lot 23; thence west along the south line of said Lot 23, 8.00 feet to the point of beginning. (Said Tract containing 400.0 square feet, more or less) and

That part of Lots 9 and 11 on Meridian Avenue, Stiles & Smith's Addition to Wichita, Kansas, Sedgwick County, Kansas described as beginning at the intersection of the south line of said Lot 11 with the east right-of-way line of Meridian Ave. as established in Condemnation Case A-53077, said intersection being 10.00 feet east of the southwest corner of said Lot 11; thence north along the east right-of-way line of said Meridian Ave., (Condemnation Case A-53077), and 10.00 feet normally distant east of and parallel with the west line of said Lots 9 and 11, 50.00 feet to the intersection with the north line of said Lot 9; thence east along the north line of said Lot 13, 8.00 feet; thence south parallel with and 8.00 feet normally distant east of the east right-of-way line of said Meridian Ave., (Condemnation Case A-53077), 50.00 feet to the intersection with the south line of said Lot 11; thence west along the south line of said Lot 11, 8.00 feet to the point of beginning. (Said Tract containing 400.0 square feet, more or less) and

That part of Lots 79, 81, 83 and 85, Simmon's Addition of Garfield Park Addition to Wichita, Kansas, Sedgwick County, Kansas described as beginning at the intersection of the north line of said Lot 79 with the west right-of-way line of Meridian Ave. as established in Condemnation Case A-53077, said intersection being 10.00 feet west of the northeast corner of said Lot 79; thence south along the west right-of-way line of said Meridian Ave., (Condemnation Case A-53077), and 10.00 feet normally distant west of and parallel with the east line of said Lots 79, 81, 83 and 85, 100.00 feet to the intersection with the south line of said Lot 85; thence west along the south line of said Lot 85, 15.00 feet; thence north parallel with the west right-of-way line of said Meridian Ave., (Condemnation Case A-53077), 100.00 feet to a point on the north line of said Lot 79; thence east along the north line of said Lot 79, 15.00 feet to the point of beginning. (Said Tract containing 1,500.0 square feet, more or less) and

That part of Lots 30 & 32 on Meridian Avenue, Garfield Addition to Wichita, Kansas, Sedgwick County, Kansas described as beginning at the intersection of the south line of said Lot 32 with the east right-of-way line of Meridian Ave. as established in Condemnation Case A-53077, said intersection being 10.00 feet east of the southwest corner of said Lot 32; thence north along the east right-of-way line of said Meridian Ave., (Condemnation Case A-53077), and 10.00 feet normally distant east of and parallel with the west line of said Lots 30 and 32, 50.00 feet to the intersection with the north line of said Lot 30; thence east along the north line of said Lot 30, 8.00 feet; thence south parallel with the east right-of-way line of said Meridian Ave., (Condemnation Case A-53077), 50.00 feet to a point on the south line of said Lot 32; thence west along the south line of said Lot 32, 8.00 feet to the point of beginning. (Said Tract containing 400.0 square feet, more or less) and

That part of Lot 43, Richmond's Addition to Wichita, Kansas, Sedgwick County, Kansas described as beginning at the intersection of the south line of said Lot 43 with the west right-of-way line of Meridian Ave. as established in Condemnation Case A-53077, said intersection being 10.00 feet west of the northeast corner of said Lot 41; thence west along the south line of said Lot 43, 15.00 feet; thence north parallel with the

west right-of-way line of said Meridian Ave., (Condemnation Case A-53077), 20.00 feet; thence east parallel with the south line of Lot 43, 15.00 feet; thence south along the west right-of-way line of said Meridian Ave., (Condemnation Case A-53077), and 10.00 feet normally distant west of and parallel with the east line of said Lot 43, 20.00 feet to the point of beginning. (Said Tract containing 300.00 square feet, more or less) and

That part of Lot 16, Meridian Avenue, Garfield Addition to Wichita, Kansas, Sedgwick County, Kansas described as beginning at the intersection of the south line of said Lot 16 with the east right-of-way line of Meridian Ave. as established in Condemnation Case A-538077, said intersection being 10.00 feet east of the southwest corner of said Lot 16; thence north along the east right-of-way line of said Meridian Ave., (Condemnation Case A-53077), and 10.00 feet normally distant east of and parallel with the west line of said Lot 16, 25.00 feet to the intersection with the north line of said Lot 16; thence east along the north line of said Lot 16, 12.50 feet; thence south parallel with the east right-of-way line of said Meridian Ave., (Condemnation Case A-53077), 25.00 feet to a point on the south line of said Lot 16; thence west along the south line of said Lot 16, 12.50 feet to the point of beginning. (Said Tract containing 312.5 square feet, more or less) and

The east 5.00 feet of the south 44.00 feet of the north 88.00 feet of Lot 1, Powell's 7th Addition, Wichita, Kansas, Sedgwick County, Kansas. (Said Tract containing 220.00 square feet, more or less).

Said easements will be for a term of three years or 60 days after project completion, whichever is earlier. Access shall be available to the subject properties throughout the easement term.

SECTION 3. That the City Attorney is hereby authorized and directed to commence proceedings in eminent domain in the District Court of Sedgwick County, Kansas, for the appropriation of said lands and determination of the compensation to be awarded for the taking thereof.

SECTION 4. That this Ordinance shall take effect and be in force from and after its passage and publication once in the official City paper.

ADOPTED at Wichita, Kansas, this 23th day of, June 2015.

**CITY OF WICHITA**

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Jeff Longwell, Mayor

**ATTEST:**

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Karen Sublett, City Clerk

**APPROVED AS TO FORM:**

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Jennifer Magana, Director of Law and City Attorney